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ABSTRACT

This series of lessons is intended to help high school students in the Netherlands consider how they look at, react to, and judge criminal events. The first part of the publication discusses different teaching approaches used in the lessons. These include: (1) a business analysis--study of the organization and structure of the criminal jurisdiction function; (2) scope of criminal jurisdiction--socio-historical analysis; (3) analysis of various events in which criminal jurisdiction is involved; and (4) reacting to criminal events--conflict resolution. The second part of the publication outlines the ten lessons. General objectives are converted into questions for the student. The major theme, objective, and teaching method for each lesson are listed. Major themes are: (1) overview of criminal law; (2) different types of crime; (3) how criminal law works; (4) effects of contact with criminal law and the results of penal solutions; (5) how people react to criminal events; (6) how crime was handled in other times and in other cultures; (7, 8, 9) case studies of criminal actions; and (10) students' reactions to everything covered in the course. (RM)

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CRIME AND CRIMINAL LAW AS A THEME IN EDUCATION

PAPER ON THE STARTING POINTS, OBJECTIVES, AND TEACHING MATTER OF A SERIES OF LESSONS CALLED "CRIME AND CRIMINAL LAW", AS A THEME FOR THE SCHOOL SUBJECT OF SOCIAL AND POLITICAL STUDIES.

PRESENTED AS A CONTRIBUTION TO THE WORKSHOP PUBLIC RELATIONS AT THE INTERNATIONAL CONFERENCE ON PRISON ABOLITION, JUNE 24-27, 1985, AT THE FREE UNIVERSITY OF AMSTERDAM.

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Introduction

About 15 years ago, the subject of social studies was introduced in Dutch secondary education. This subject could be described as an answer to the demand for socialization of education, and could in part be attributed to the development of the social sciences. After years of discussion and formation of opinions, a considerable degree of consensus has been achieved with respect to objectives and teaching matter. Social studies is understood to be social and political education, directed towards critical social life in the democratic and humane sense. Social studies is not only directed towards the acquisition of knowledge, but, on the contrary, must place special emphasis on the development of attitudes. Nevertheless, the subject is still low-status and high-risk enterprise. Pupils, who are usually busy acquiring factual knowledge, do not see the use of "learning to think" and "learning to debate". Parents, school boards and politicians often fear a form of political indoctrination. The subject with the fewest lessons, over the entire school career no more than two lessons weekly for one year, is regarded with the most distrust. And, once again, usually not taken seriously either by these parties or by the pupils. The interest of younger people in social and political issues has waned considerably during the past years. Subjects lying directly within the sphere of interest of the younger generation, such as pop music, fashion and sports, still manage to score, but anything beyond this, such as politics, unemployment, Third World problems, finds little response. However, let it be observed that a good teaching method, in which the working forms are varied, can indeed give results. One theme for which pupils can still somehow be motivated is crime and punishment. For this is exciting, sensational, magical and exists in concrete form through TV and film, newspapers and books. Whether the images they have formed of the fast-pace detective, the poor criminal, the weak jurisdiction, the luxurious jail, etc. tally with reality,

usually does not matter. As far as the pupils are concerned, and I am mainly talking about 14 to 16-year-olds, lessons on crime and punishment will have to contain all the ingredients of an exciting crime case unfolding itself, ending in the just punishment of the culprit.

In the lesson plan on crime and punishment, centering on the question "how do I look at, react to and judge events", an attempt has been made by employees of the Discharged Prisoners' Aid Society and the National Institute for Curriculum Development to make pupils take a different view of problematic situations in society. In other words, what determines the image that I have of a certain event. This lesson plan hopes to make penal reaction less a matter of course to the pupils.

This objective may sound pretentious in consideration of the school situation roughly sketched earlier on. However, tests in actual school practice have proved that under such conditions as a well-organized program for the school year, existing images can be modified. In this connection, the following statement of a pupil is an appropriate illustration: "Hey, I never looked at it that way before".

The process of learning to look at reality

Before going into the view on which the lesson plan is based, and into the plan itself, I would like to quickly go over the main elements of the learning process.

* One of the most important objectives of the subject of social studies is: tht the pupil comes to see connections between his own personal situation and the general social circumstances and the history in which he finds himself. The pupil and the teacher must therefore approach the problem (theme) along three lines. The lines "tradition" and "social circumstances" are however no goals in themselves, but are followed

because this is functional: their function is to clarify the personal situation. In fact, the main thing is for pupils to learn to "look" at themselves, and subsequently at others and at reality, in a certain way. This way of "looking" is no everyday thing: it must be "learned". This learning process must be realized in stages.

* The following assumption underlies the subject of social studies: everyone, both individually and as a group, simplifies life around him. Making life simpler, easier than it is in reality is unavoidable. Such a simplification is called an "image" or a "model". Taking this as a starting point entails that everything is relative. In other words, a choice is made in favour of a relativizing view of life. While this does not imply that every image/model is equally correct or true, it does imply that several images (models, theories) can be comparatively true.

* 1. The "first" stage should be for the teacher to get onto the "first line": the personal situation and the personal experiences of the pupil. In the first place, to give him the idea that he is what it is all about. But there is a second and more important reason. The teacher must confront the pupils with situations which they, as men of the street, thus in an everyday "normal" way, can bring to a "solution". Pupils will then, either correctly or incorrectly, get the feeling that in this way you do not get any further, that you cannot find a solution. Furthermore, in the first stage the concept "image" should be introduced. The pupils should be confronted with the "fact" that no one can escape seeing life as simpler and easier than it really is. For the question is unavoidable what has given you this image of yourself, of others, etc. It is precisely because the concept "image" is relativizing (threatening), that it also opens up new vistas (is

liberating). From here, it is not difficult to get to the lines "tradition" and "social circumstances".

2. The second stage should be for the teacher to place emphasis on the line "tradition", for example the question "what is crime?". On the one hand, this is a topic giving ample scope to the pupils' experiences, on the other hand, it is a highly suitable issue for making clear that what and who is a "criminal" is strongly determined by the times. That at one time a criminal is seen as a lazy person, at another time as an uneducated or sick man or woman, in another period as the victim of his or her background.

3. In the "third" stage the teacher stresses the line "social circumstances". This can be worked out by devoting attention to the social frame of reference, for example the judgement of events in society. Which factors determine the wide variety of ways in which people can react?

   The important thing is to work out those elements which are characteristic of a certain way of "looking". A way of looking which serves to clarify the pupil's personal situation, doing this from the lines of tradition and social circumstances. This way of looking and its development is also called "the development of the sociological imagination": this is not a matter-of-course way of looking, but an active way of seeing. This can lead to "a revaluation of standards".

<u>Starting points of a series of lessons on crime and criminal law</u>

* Criminal law is one of the instruments determining the relation between the "authorities" and "citizens" and between "public" and "private". Characteristic is the right it gives the authorities to coercive action

towards the citizen, a violation of privacy, justified by referring to the abstract law comprising an obligation or prohibition, the violation of which calls for punishment.

The central problem is to clarify

a. the transformation which a concrete event undergoes by application of the abstract law;
b. the effects of this transformation on those directly involved inthe event.

* This transformation can be made clear by means of an analysis through various approaches.

A very concrete approach is the "business" analysis. How does criminal jurisdiction function? By examining the organization and structure, the relations between the various parts, instruments and special equipment, of products and production figures of the business of criminal jurisdiction, "everyday practice" becomes visible.

* A second approach is that of the "scope" of criminal jurisdiction. This can be expressed in three dimensions:

1. In the number of penalizations (approx. 75,000) and the variety of events ranged under this. In a socio-historical analysis, it should be pointed out what increase takes place in the number of penalizations. Examples from the present and the past indicate what varying aspects of daily life are involved in these penalizations. Examples of criminalization and decriminalization in the present shows that changes take place.
2. In the number of people coming into contact with criminal law. Besides stating the number of people, the social groups involved could also be indicated. It could also be pointed out which fluctuations these

figures undergo under the influence of socio-economic circumstances, or under the influence of other social processes (mass-motorization, the development of the welfare state, etc., etc.).

3. In the extent to which criminal law violates the privacy of the individual citizen. A comparison to the criminal judicature of long ago displays a remarkable shift. For example from "closed" to "public" judicature and from "public" to "closed" execution of punishments. The criminal judicature of today also displays a great diversity, according to the nature of the offences and/or persons to be tried. One could consider the role of the media and informatics.

* A third approach is the analysis of a number of events of a varying nature, in which criminal jurisdiction is or might become involved, according to:
  a. the role of the various parties not involved;
  b. the various possibilities of definition;
  c. the various forms of reaction.

* <u>Reacting to events</u>

<u>Events</u>

At any given moment, all sorts of things are happening around us. Most of these things escape our notice. We do not see them, are not influenced by them, they pass us by. Only in a small number of these events are we involved or do we become involved. An event then becomes an experience. We "look" at this event and pass judgement. Some events we register, but feel we can pass over, or have to accept.

<u>Conflicts</u>

Many of the events experienced as problems are conflicts between people's interests and opinions. When

they are involved in a conflict, different people can judge this in entirely different ways, and thus react differently.

An example from "Peines Perdues" by L. Hulsman and J. Bernat de Celis:

Five students live in a house. One day, one of them smashes the TV-set, as well as a few dishes. How do his house-mates react? Let us assume that no one thinks it unnecessary to react. One of the students is furious, and thinks the smasher should be thrown out of the house. Anohter one says that if the offender buys a new TV-set and new dishes, the matter will be settled. A third believes his colleague must be ill, and should see a doctor, a psychiatrist. The fourth student concludes that this behaviour points to the fact that there is something wrong with their commune: "Let us examine what is going on". This example shows a series of possibilities of judgement and reaction by people experiencing the same event. We see a punitive, an indemnifying, an educative, a therapeutic and a "conciliatory" reaction. Each of the people involved thinks something ought to happen, but seeks the answer, the reaction, along the lines of the significance he attatches to the event.

Reactions

Someone with a punitive attitude will think mainly of corrective measures, of sanctions in some form or other. One with an educative, therapeutical reaction will think in terms of the solution of personal problems, therapy, education, etc. The person seeking indemnification will explore the possibilities of recovering the damage. The person with a "conciliatory" reaction thinks of restoring, improving relations between people, of improving the conditions of life, so

that the chance of further conflict is minimized or removed. It goes without saying that in reality, our reactions are often a mixture of the forms mentioned, and that they can change in the course of time.

Why people react differently

As the example above illustrates, people can judge the same situation in different ways. The process of judgement in people is complex and only partially traceable. What is clear is that a number of factors play a part in this. Not everyone is involved in a situation in the same way. Whether or not one believes one has suffered damage through an event, the seriousness and the nature of the damage can influence our judgement, as well as whether or not one knows the person pointed out as the cause of the damage. The nature of the relationship - family, friend, partner, acquaintance - also plays a part. If the person forming a judgement has experienced something similar several times before, the judgement can also turn out differently than if he is confronted with such a situation for the first time. Socio-cultural factors, too, influence judgement (knowledge, education, values, standards, etc.).

Looking through filters

A great many factors can lead to different judgements and reactions. These factors form an entity, a prejudice, which colours events. This prejudice works as a filter, so that events acquire aspects and meanings, which do not occur when it is seen through another "filter". In other words, the meaning of an event seems to depend on the viewer and his "filter", rather than on the event itself. Because we are accustomed to certain conflicts being resolved through criminal jurisdiction, a criminal definition of such an

event seems the most obvious. Thus, the significance of an event depends on the way in which it is seen by the viewer. The significance of the event also determines the reaction to it.

THE LESSON PLAN "CRIME AND CRIMINAL LAW" AS A THEME IN SOCIAL AND POLITICAL STUDIES AT SCHOOL

In close cooperation with school practice, and on the basis of the starting points stated above, a series of lessons has been designed for pupils from 14 - 16 in lower vocational education. In spite of, or perhaps rather because of, the totally different approach to these social phenomena, the results may be called promising. In all, a willingness was found to look at the things happening around them in a different way.

SURVEY

* TITLE: How do I look at, react to, and judge events?

* General objectives, converted into questions for the pupils

  . When do we call an event a criminal offence? Why?
  . What do we expect to happen in such a case?
  . What actually happens when something becomes known to the police as a criminal offence?
  . How does criminal law work, what are the effects and the results?
  . What other reactions are possible to events we call problematic?
  . What were the reactions in other times and other cultures to what we call "crime"?
  . How do I judge certain events myself, and what are my arguments?

Lesson 1:	Introduction to the theme.
Object:	To arouse the pupils' interest in the subject by giving them a bird's-eye view of all sorts of aspects (obligations and prohibitions, police, jurisdiction, the purpose of punishment, public reactions etc., etc.) of the central issues.
Means:	A problem-posing documentary in which the issue is comprehensibly discussed in its entirety. a true-to-life journalistic newspaper story with questions and assignments for the pupils.

Lesson 2:	When do we speak of a problematic event? What must happen, and why?
Object:	The pupils define the concept of crime, realize that different judgements are made, and discover that a different judgement leads to a different reaction (personal situation).
Means:	Series of slides showing ten different events (violence, natural catastrophe, fraud, theft, discrimination, vandalism, etc.) with brief comments and a list of questions on items such as recognition, how bad? (5-point scale), reaction, how?

Lesson 3:	How does criminal law work? To what purpose? Who plays a part in it? What are their tasks?
Object:	Pupils know the essentials of the functioning of the system of criminal law.
Means:	Overhead sheets with questions and answers about an example from actual practice.

Lesson 4:	What are the effects of contact with criminal law.

	and what are the results of penal solutions?
Object:	To grant pupils critical insight into the objects, effects and results of criminal law.
Means	Text with questions on the actual functioning of criminal law: the chance of being caught, selection, figures, the role of the media, the position of the lower classes.

Lesson 5:	What reactions are there to events? What causes them? Which sorts of reactions are possible?
Object:	The pupils know why people react differently and realize that events need not be settled penally (social circumstances).
Means:	A survey of the pupils' reactions in lesson 2, and related to this a diagram of the various sorts of reactions with the intentions and effects of these sorts of reactions.

Lesson 6:	How was "crime" handled in other times and in other cultures?
Object:	The pupils realize that in other times, in other societies, under other circumstances, reactions to events we call "crime" are different (Historical/ cultural determination, tradition).
Means:	Pupils formulate a number of hypotheses on the resolution of conflicts before and during the Middle Ages and in an Indian culture.

Lessons 7, 8, 9:	How do we judge recognizable events, and what solutions do we choose?
Object:	To independently assimilate and apply the

information gathered up till now, working in groups, with a view to analysing a "file" and expressing an argumented standpoint.

Means: Various files (vandalism, theft, hooliganism, etc.) with background information on: the social context, what actually happened, possible causes, the standpoints of those involved, reactions from society, figures, various solutions, etc. In short: relevant, sound information which contributes to learning to choose responsibly.

Lesson 10: What do they think of it?

Object: Presentation of the answers found in lessons 7, 8, and 9, and debate with each other and with guests from the world of judicature, police, ex-prisoners, rehabilitation, the court.

Means: Forum discussion, in which the standpoints of the pupils must feed the debate with the guests.

N.B.:
The lesson plan includes:

* background information for the teacher, an introductory text on "Crime and Punishment".
* A teachers' handbook for the series of lessons, with a more precise indication of the place of this theme in a year's program for social and political studies.
* Pupils' texts and material with descriptions of lessons.

The publication will be finished in the course of the autumn of 1985, and will be available at cost price at the National Institute for Curriculum Development, P.O. box 2041, 7500 CA Enschede, the Netherlands. A translation into English is under consideration.

June, 1985

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